

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL SNELL AND WOODROW SNELL : CIVIL ACTION
Plaintiffs :
V. :
ROBERT J. DUFFY ET AL :
Defendants : NO. 02-3660

DEFENDANTS' PRE-TRIAL MEMORANDUM

I. STATEMENT OF THE CASE

Plaintiffs Michael C. Snell and his son, Woodrow Snell ("Snells"), filed this civil rights action against the Pennsylvania State Police, Pennsylvania State Trooper Robert J. Duffy and Pennsylvania State Trooper Jeffrey Wlock. Michael Snell alleged that Duffy and Wlock arrested him on November 15, 1999 for simple assault, recklessly endangering another person and harassment without a warrant and without probable cause. He further alleged that he was subsequently prosecuted on the charges and was found not guilty by a jury. He alleges that his arrest and subsequent prosecution violated his constitutional rights. Woodrow Snell alleged that Wlock pushed him unnecessarily causing him to strike his leg on an exposed screw of an ice bin. He claims that such action amounted to a battery. This court has jurisdiction over this case pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

II. STATEMENT OF THE FACTS

On November 13, 1999, Michael Snell and his son, Woodrow Snell, went hunting in a field behind their house in Coatesville, Pennsylvania. Woodrow Snell was carrying a gun. Michael Snell was carrying a scope. As they were walking by their neighbor's house, they saw three young boys who were cursing and throwing rocks at them. They continued walking. They went hunting for about an hour.

Later, Duffy received a call on his police radio that an individual pointed a firearm at three children. Duffy responded to the call, which was at the neighbors of the Snells.

At the scene, Duffy interviewed the three children who informed him that Michael Snell pointed a gun at them three different times and yelled, "Aah". Duffy also inspected the area where the alleged incident took place.

Duffy interviewed Michael Snell. During the interview, Duffy did not inform Michael Snell why he was there. Duffy asked Snell if he owned a "22". Snell said "yes". During the interview, Michael Snell told Duffy that he and his son had gone hunting that afternoon in a field that was located behind the Brady's home and that his son was carrying a rifle and that he was carrying a scope. Snell informed Duffy that he saw the children in the back yard and they were throwing rocks at him and his son as they were walking by the yard. Snell also said to Duffy during the interview that "Are

you here because somebody pointed a unloaded and unbolted gun at these children".

Duffy asked Michael Snell for the gun. Snell complied by going into his shed to get the gun. Snell, however, would not allow Duffy to enter the shed. Wlock, however, did enter the shed without Michael Snell's permission. While in the shed, Wlock allegedly pushed Woodrow Snell aside to take the gun from Michael Snell. Wlock left the shed with the gun and turned it over to Duffy. Wlock and Duffy then left the scene.

On November 15, 1999, Duffy requested that the District Justice issue a citation for Michael Snell to appear in court to answer to the charge that he pointed a gun at the children. Snell received the citation and appeared for a hearing in front of the District Justice on December 9, 1999.

At the hearing, Tyler Brady testified that Michael Snell pointed a gun at himself, Brian Brady and Zachary Buck. Duffy also testified at the hearing.

After the hearing, the District Justice determined that there was sufficient evidence to hold Michael Snell for trial on the charges of simple assault and recklessly endangering another person. The District Justice set bail at \$5,000.00 unsecured.

Snell subsequently went to trial on the charges. After the trial, the jury returned a verdict of not guilty.

III. DAMAGES

Non-applicable.

IV. LIST OF INTENDED WITNESSES

1. Robert Duffy
2. Jeffrey Wlock
3. Tyler Brady

V. SCHEDULE OF EXHIBITS

D-1 Criminal Complaint filed by Robert Duffy

D-2 Deposition Transcript of Tyler Brady

VI. ESTIMATED TIME OF TRIAL

Defendants' case 1 day, total trial time, 2 days.

VII. SPECIAL COMMENTS

None

D. MICHAEL FISHER
ATTORNEY GENERAL

BY:

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Identification No. 53256

Susan J Forney
Chief Deputy Attorney General
Chief, Litigation Section

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CERTIFICATE OF SERVICE

I, Randall J. Henzes, Deputy Attorney General, hereby certify that a true and correct copy of Defendants' Pretrial Memorandum was served by first class mail, on May 15, 2003 postage prepaid to:

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